

10-21-03
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Charles N. Quinn
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Internet Address: cquinn@foxrothschild.com

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OCT 22 2003

OFFICE OF PETITIONS

October 20, 2003

VIA EXPRESS MAIL

Mail Stop PETITION

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Re: U.S. Patent Application Serial No. 09/676,627
For "METHOD AND APPARATUS FOR REMOVING
A GOLF CLUB SHAFT"
Applicant: Frank D'Aguanno
Filed: 2 October 2000
Our File: 18781.00201

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Dear Sir:

Enclosed herewith please find the petition to revive the above-referenced United States patent application on the basis that the application was abandoned unintentionally. The petition is submitted under 37 C.F.R. §1.137(b).

Accompanying the petition is a photocopy of the assignment of the application by the inventor to D&T Golf Ventures, a joint venture of the inventor and Mr. Philip Talamonti. The petition includes a statement by Mr. Talamonti, as a principal of the assignee, that the application became abandoned because of failure to prosecute was an unintentional delay and that the entire delay in filing the required reply from the due date until the filing of the petition was unintentional.

Further enclosed herewith please find a response to non-final office action addressing the office action of 28 January 2003 on the merits.

We respectfully request prompt notification that this application has been restored to active, pending status and further request prompt consideration of the response paper submitted herewith.

PENNSYLVANIA • NEW JERSEY • DELAWARE

Commissioner for Patents
October 20, 2003
Page 2

In the event that there are any questions concerning this petition, please call the undersigned at the telephone number indicated.

Both the applicant and the assignee qualify as small entities.

To the extent there is any fee required in connection with the receipt, acceptance and/or consideration of this paper and/or any accompanying papers submitted herewith, please charge all such fees to deposit account 50-1943.

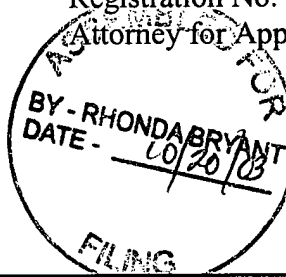
Respectfully submitted,



Charles N. Quinn
Registration No. 27,223
Attorney for Applicant

CNQ/ryb

Enclosures

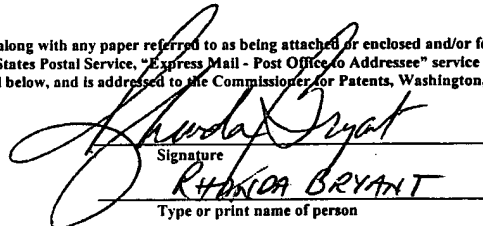


Certificate of Mailing Under 37 C.F.R. 1.10

EXPRESS MAIL NO.: E1334306376 US

I hereby certify that this paper, along with any paper referred to as being attached or enclosed and/or fee is being deposited with the United States Postal Service, "Express Mail - Post Office to Addressee" service under 37 C.F.R. 1.10, on the date indicated below, and is addressed to the Commissioner for Patents, Washington, D.C. 20231.

OCTOBER 20, 2003
Date of Deposit


Signature
RHONDA BRYANT
Type or print name of person



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ATTORNEYS AT LAW



Practitioner's Docket No. 18781.00201

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: D'Aguanno, Frank

Application No.: 09/676,627
 Filed: 10/02/2000
 For METHOD AND APPARATUS FOR
 REMOVING A GOLF CLUB SHAFT

Group No.: 3723
 Examiner: Daniel Shanley

Charles N. Quinn
 Reg. No. 27,223
 Fox Rothschild LLP
 2000 Market Street, 10th Floor
 Philadelphia, PA 19103
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 Fax: 215-299-2150
 Email: cquinn@foxrothschild.com
 Deposit Account: 50-1943

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 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

PETITION FOR REVIVAL OF AN APPLICATION
 FOR PATENT ABANDONED UNINTENTIONALLY UNDER
 37 C.F.R. § 1.137(b)

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CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10*
 (When using Express Mail, the Express Mail label number is mandatory;
 Express Mail certification is optional.)

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I hereby certify that, on the date shown below, this correspondence is being:

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37 C.F.R. § 1.8(a)

G with sufficient postage as first class mail.

37 C.F.R. § 1.10*

G as "Express Mail Post Office to Addressee"
 Mailing Label No. EV 38430637645 (mandatory)

TRANSMISSION

G facsimile transmitted to the Patent and Trademark Office, (703) _____

Date: OCTOBER 20, 2003

Rhonda Bryant
 Signature
RHONDA BRYANT
 (type or print name of person certifying)

* Only the date of filing (1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under 1.8 continues to be taken into account in determining timeliness. See 1.703(f). Consider "Express Mail Post Office to Addressee" (1.10) or facsimile transmission (1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

1. This application became abandoned on April 28, 2003 due to unintentional failure to respond to a three month Office Action having a mailing date of January 28, 2003.
2. This application became abandoned because the failure to prosecute was an unintentional delay. The entire delay in filing the required reply from the due date until the filing of this petition was unintentional (37 C.F.R. § 1.13(b)(3)).
3. This application was assigned to D & T Golf Ventures, a joint venture of Frank D'Aguanno and Philip Talamonti, by virtue of an assignment executed on April 2, 2002 and recorded in the U.S. Patent and Trademark Office on April 11, 2002 at Reel 012822, Frame 0822. A copy of that assignment, as recorded and returned to the undersigned counsel, is enclosed herewith. Assignee is entitled to prosecute this application

The undersigned Philip Talamonti, a partner of D & T Golf Ventures, hereby declares on his own behalf, on behalf of the assignee, and on behalf of the applicant, that the above statements are made of his own knowledge are true and that all statements made on his information and belief are believed to be true and further that he realizes that willful, false statements and the like so-made in this petition are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States Code, and that such willful, false statements may jeopardize the validity of the above-identified application and any patent issuing thereon and/or the validity or enforceability of such patent.

Date: 10/15/03


Philip Talamonti

4. A Response to the January 28, 2003 Official Action is attached.
5. Fee (37 C.F.R. § 1.17(m))
Application status is small business entity—fee \$665.00. A statement was filed.
6. Payment of fee

Authorization is hereby made to charge the amount of \$665.00 to Deposit Account No. 50-1943.

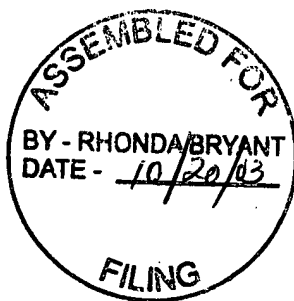
A duplicate of this petition is attached.

To the extent there is any additional fees required in connection with the receipt, acceptance and/or consideration of this paper and/or any accompanying papers submitted herewith, please charge all such fees to Deposit Account 50-1943.

Date: 20 October 2003



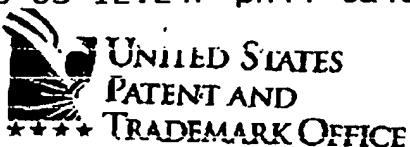
Charles N. Quinn
Registration No. 27,223
Fox Rothschild LLP
2000 Market Street, 10th Floor
Philadelphia, PA 19102
215-299-2135
Attorney for Applicant



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2000 MARKET STREET
10TH FLOOR
PHILADELPHIA, P.A. 19103

FOX ROTHSCHILD,
O'BRIEN & FRANKEL, LLP

Chief Information Officer
Washington, DC 20231
www.uspto.gov



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UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 04/11/2002

REEL/FRAME: 012822/0922
NUMBER OF PAGES: 3

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

D'AGUANNO, FRANK

DOC DATE: 04/02/2002

ASSIGNEE:

D & T GOLF VENTURES
1033 MIDFIELD ROAD
PEASTERVILLE, PENNSYLVANIA 19047

SERIAL NUMBER: 09427461
PATENT NUMBER:

FILING DATE: 10/22/1999
ISSUE DATE:

SERIAL NUMBER: 09676727
PATENT NUMBER:

FILING DATE: 09/29/2000
ISSUE DATE:

SERIAL NUMBER: 09678172
PATENT NUMBER:

FILING DATE: 10/02/2000
ISSUE DATE:

SERIAL NUMBER: 09275741
PATENT NUMBER: 0250168

FILING DATE: 03/24/1999
ISSUE DATE: 06/26/2001

DOCKETED
JUL 08 2002
SHERRY BARAG

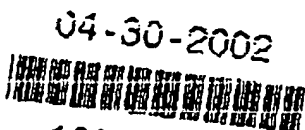
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012822/0822 PAGE 2

SHARON LATIMER, EXAMINER
ASSIGNMENT DIVISION
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Form PTO-1595 (Rev. 03/01) GMS No. 0651-0027 (exp. 5/31/2002) Tab settings: <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>		04-30-2002 102072448	EET U.S. DEPARTMENT OF COMMERCE U.S. Patent and Trademark Office
To the Honorable Commissioner of Patents and Trademarks: Please receive the attached original documents or copy in lieu.			
1. Name of conveying party(ies): <u>Frank D'Aguanno</u> <div style="text-align: center; font-size: 1.5em; margin-top: 10px;">4-11-02</div> Additional name(s) of conveying party(ies) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	2. Name and address of receiving party(ies): Name: <u>D & T Golf Ventures</u> Internal Address: _____ _____ Street Address: <u>1833 Midfield Road</u> _____ City: <u>Peaserville</u> State: <u>PA</u> Zip: <u>19047</u> Additional name(s) & address(es) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
3. Nature of conveyance: <input checked="" type="checkbox"/> Assignment <input type="checkbox"/> Merger <input type="checkbox"/> Security Agreement <input type="checkbox"/> Change of Name <input type="checkbox"/> Other _____	4. Application number(s) or patent number(s). If this document is being filed together with a new application, the execution date of the application is: _____ A. Patent Application No.(s) <u>09/427,461;</u> <u>09/675,727; and 09/678,172</u> Additional numbers attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
5. Name and address of party to whom correspondence concerning document should be mailed: Name: <u>Charles N. Quinn, Esq.</u> Internal Address: <u>Fox, Rothschild, O'Brien & Frankel, LLP</u> _____ Street Address: <u>2000 Market Street</u> <u>10th Floor</u> City: <u>Philadelphia</u> State: <u>PA</u> Zip: <u>19103</u>	6. Total number of applications and patents involved: <u>4</u> 7. Total fee (37 CFR 3.41)..... \$ <u>160.00</u> <input type="checkbox"/> Enclosed <input checked="" type="checkbox"/> Authorized to be charged to deposit account 8. Deposit account number: <u>50-1943</u> (Attach duplicate copy of this page if paying by deposit account)		
DO NOT USE THIS SPACE			
9. Statement and signature. To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document. <div style="display: flex; justify-content: space-between; margin-top: 20px;"> <div style="width: 30%;"> <u>Charles N. Quinn</u> Name of Person Signing </div> <div style="width: 30%; text-align: center;">  Signature </div> <div style="width: 30%; text-align: right;"> <u>3 April 2002</u> Date </div> </div> <div style="text-align: center; margin-top: 10px;"> Total number of pages including cover sheet, attachments, and documents <u>3</u> </div>			

Mail documents to be recorded with required cover sheet information to:
Commissioners of Patents & Trademarks, Box Assignments
Washington, D.C. 20231

Practitioner's Docket No. 18781.00001

For: U.S. Rights
For: U.S. Application
By: Inventor

PATENT

ASSIGNMENT OF INVENTION

In consideration of the payment by ASSIGNEE to ASSIGNOR of the sum of One Dollar (\$1.00), the receipt of which is hereby acknowledged, and for other good and valuable consideration,

ASSIGNOR: Frank D'Aguanno, an individual, being a citizen of the United States, residing at 1883 Midfield Road, Feasterville, PA 19050

hereby sells, assigns and transfers to

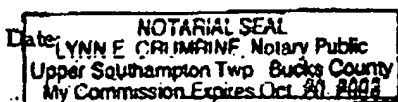
ASSIGNEE: D & T Golf Ventures, a joint venture of Frank D'Aguanno, an individual, being a citizen of the United States, residing at 1883 Midfield Road, Feasterville, PA 19050 and Philip Talamonti, an individual, being a citizen of the United States, residing at 174 Purple Slate Place, The Woodlands, TX 77381

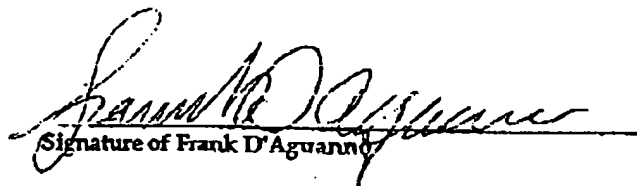
the entire right, title and interest for the United States and its territorial possessions in and to any and all improvements which are disclosed in the inventions as shown in Appendix A, and, in and to, all Letters Patent to be obtained for said inventions by those applications or any continuations, divisions, renewals, or substitutes thereof as shown in Appendix A, and as to letters patents or any reissues or re-examinations thereof.

ASSIGNOR hereby covenants that no assignment, sale, agreement or encumbrance has been or will be made or entered into which would conflict with this assignment.

ASSIGNOR further covenants that ASSIGNEE will, upon its request, be provided promptly with all pertinent facts and documents relating to said invention and said Letters Patent and legal equivalents as may be known and accessible to ASSIGNOR and will testify as to the same in any interference, litigation or proceeding related thereto and will promptly execute and deliver to ASSIGNEE or its legal representatives any and all papers, instruments or affidavits required to apply for, obtain, maintain, issue and enforce said application, said invention and said Letters Patent and said equivalents thereof which may be necessary or desirable to carry out the purposes thereof.

IN WITNESS WHEREOF, I have hereunto set hand and seal this 2nd day of April, 2002.




Signature of Frank D'Aguanno

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APPENDIX A

U.S. Serial No. 09/427,461 filed October 22, 1999 entitled "GRAPHITE GOLF SHAFT REMOVAL APPARATUS"

U.S. Serial No. 09/676,727 filed October 2, 2000 entitled "METHOD AND APPARATUS FOR REMOVING A GOLF CLUB HEAD FROM A GOLF CLUB SHAFT"

U.S. Serial No. 09/678,172 filed October 2, 2000 entitled "GOLF CLUB SHAFT ECCENTRICITY LOCATION AND STRAIGHTENING APPARATUS AND METHOD"

U.S. Patent No. 6,250,168 issued June 26, 2001 entitled "METHOD AND APPARATUS FOR LOCATING THE STRONGEST POINT ON A GOLF CLUB SHAFT"